



**Fw: Phosphorus compliance schedule**

Stephen Jann to: Betsy Lawton

Cc: tom.mugan, Kevin Pierard

08/14/2012 10:23 AM

Hi Betsy. In response to your request from today, I am forwarding the comments that EPA provided on the May 15 draft of the phosphorus compliance schedule in the Domtar Paper permit. As we discussed, EPA is looking at an Aug. 3 revised draft of the schedule.

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----- Forwarded by Stephen Jann/R5/USEPA/US on 08/14/2012 10:19 AM -----

From: Stephen Jann/R5/USEPA/US  
To: tom.mugan@wisconsin.gov,  
Date: 06/20/2012 12:40 PM  
Subject: Phosphorus compliance schedule

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Hi Tom. As a follow-up to today's call, I'm providing our comments on the May 15 draft compliance schedule for Domtar. Thanks for removing the "for informational purposes only" language from the earlier draft of the schedule and for moving the P WQBEL from the body of the permit to the table of effluent limitations. Steve.



WI P compliance schedule.doc

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## 1.1 WQBELs for Total Phosphorus

The permittee shall comply with the water quality based effluent limits (WQBELs) for total phosphorus as specified in Table **Error! Reference source not found.** 3-2-5 and its Footnote **Error! Reference source not found.** 3-2-5.4 of this permit in accordance with the following schedule.

Required Action	Date Due
<p><b>Operational Evaluation Report:</b> The permittee shall prepare and submit to the Department for approval an operational evaluation report. The report shall include an evaluation of collected effluent data, possible source reduction measures, operational improvements or other minor facility modifications that would enable compliance with final phosphorus WQBELs. The report shall also include a plan and implementation schedule for optimizing the treatment plant's removal of phosphorus during the period prior to complying with WQBELs.</p> <p>If the operational evaluation report concludes that the facility can achieve final phosphorus WQBELs using the existing treatment system with only source reduction measures, operational improvements or minor facility modifications, the report shall contain a schedule for implementation of improvements or other report recommendations necessary to meet final phosphorus WQBELs. The implementation schedule shall be based on providing compliance with final phosphorus WQBELs as soon as reasonably possible. Once the report is approved by the Department, the implementation schedule for achieving the final phosphorus WQBELs, including the effective date of final phosphorus WQBELs, and the implementation schedule for optimizing the treatment plant prior to complying with WQBELs will be incorporated into the permit by letter from the Department.</p> <p>If the report concludes that the permittee can not achieve the phosphorus limit with source reduction measures, operational improvements or other minor facility modifications and the Department approves the report, the permittee shall initiate a facility planning study and comply with the remaining required actions of this schedule of compliance. The implementation schedule for optimizing the treatment plant prior to complying with WQBELs will be incorporated into the permit by letter from the Department.</p>	6/30/2013
<p><b>Facility Planning Status Report:</b> The permittee shall submit a facility planning status report. The report shall provide an update on the permittee's progress in evaluating feasible alternatives for meeting phosphorus WQBELs.</p>	6/30/2014
<p><b>Preliminary Facility Plan:</b> The permittee shall submit a preliminary facility plan for Department approval.</p> <ul style="list-style-type: none"> <li>If the facility plan concludes upgrading of the permittee's wastewater treatment facility is necessary to achieve final WQBELs, the submittal shall include preliminary engineering design report.</li> <li>If the facility plan concludes Adaptive Management will be used, the submittal shall include a completed Watershed Adaptive Management Request Form 3200-139 sans the Adaptive Management Plan and an engineering report addressing any treatment system upgrades necessary to meet interim limits pursuant to s. NR 217.18.</li> <li>If water quality trading will be undertaken, the facility plan must so indicate.</li> <li>If the permittee seeks a variance from the water quality standards that form the basis of the final phosphorus WQBELs, the permittee shall submit a preliminary application for a variance pursuant to NR 200, Subchapter III, Wis. Adm. Code, up to, but not including s. NR</li> </ul>	6/30/2015

**Comment [MSOffice1]:** Not appropriate in a compliance schedule since DNR approval of a plan will require permit modification to incorporate the terms and conditions required by s. NR 217.18(3). Suggest that DNR address via a re-opener clause in the permit or in the cover letter transmitting the final permit to the permittee.

**Comment [MSOffice2]:** Not appropriate in a compliance schedule since DNR approval of a trade will require permit modification to incorporate the terms of the trade. Suggest that DNR address via a re-opener clause in the permit or in the cover letter transmitting the final permit to the permittee.

Required Action	Date Due
200.22 (1)(p)	<div> <div>Comment [MSOffice3]: Not appropriate since this action is directed at changing the limit, not compliance with the limit</div> 6/3 </div>
<b>Final Facility Plan:</b> The permittee shall submit a final facility plan for approval. <ul style="list-style-type: none"> <li>If the facility plan concludes upgrading of the permittee's wastewater treatment is necessary to meet final QBELs, the submittal shall include a final engineering design report addressing the treatment plant upgrades.</li> <li>If the facility plan concludes Adaptive Management will be implemented, the submittal shall include a completed Watershed Adaptive Management Request Form 3200-139 including the Adaptive Management Plan and final plans for any treatment system upgrades necessary to meet interim limits pursuant to s. NR 217.18.</li> <li>If the facility plan concludes water quality trading will be used, the submittal shall include an application for water quality trading.</li> <li>If the permittee seeks a variance from the water quality standards that form the basis of the final phosphorus limits, the permittee shall submit an updated and complete application for a variance pursuant to NR 200, Subchapter III including the financial information required by s. NR 200 (1)(p).</li> </ul>	6/3
<b>Final Plans and Specifications:</b> If the facility plan concluded upgrading of the permittee's wastewater treatment plant is necessary to meet final QBELs, submit final construction plans for Department approval.	3/31/2017
The following actions are outside the term of the permit. These actions and dates may be modified at the next permit reissuance based on additional data or new information.	
<b>Implement Approved Facility Plan:</b> <ul style="list-style-type: none"> <li>If the approved facility plan concludes upgrading of the permittee's wastewater treatment system is necessary, the permittee shall initiate construction of the upgrades.</li> <li>If the approved facility plan concludes Adaptive Management will be used, the permittee shall implement the approved Adaptive Management Plan including initiating of any construction to upgrade the permittee's wastewater treatment system to meet interim limits. If an upgrade of the permittee's wastewater treatment system is not necessary, <u>the permittee shall comply with interim limits specified in s. NR 217.18 (3)(e).</u></li> <li>If the approved facility plan concludes water quality trading will be used, the permittee shall initiate water quality trading to achieve compliance with QBELs.</li> </ul>	<div> <div>Comment [MSOffice4]: Modification of the actions in the balance of the schedule is subject to the limitations in 40 CFR 122.62 and 122.44(l). Addendum to the MOA makes this point with respect to modification of the actions under an approved Adaptive Management Plan.</div> 7/1 </div> <div> <div>Comment [MSOffice5]: Language here excludes the public and EPA from decision-making about whether Adaptive Management will be used. Separately, the language is inconsistent with s. NR 217.18(3), a paragraph that establishes required permit terms and conditions under the Adaptive Management option.</div> </div>
<b>Treatment Plant Upgrade to Meet QBELs:</b> If the approved facility plan concluded upgrading of the permittee's wastewater treatment system is necessary to meet final QBELs, the permittee shall initiate construction of the upgrades, in accordance with the approve plans.	12/31/2017
<b>Construction upgrade Progress Report:</b> If the approved facility plan concluded upgrading of the permittee's wastewater treatment system is necessary to meet final QBELs, the permittee shall submit a progress report on construction upgrades.	6/30/2018
<b>Complete Construction and Achieve Compliance:</b> <ul style="list-style-type: none"> <li>If the approved facility plan concluded upgrading of the permittee's wastewater treatment system is necessary to meet final QBELs, the permittee shall complete construction of wastewater treatment system upgrades.</li> <li>If the approved facility plan concludes Adaptive Management will be used and construction is</li> </ul>	6/30/2019

Required Action	Date Due
<p>necessary to upgrade the permittee's wastewater treatment system to meet interim limits, complete construction and <u>comply with interim limits specified in s. NR 21718 (3)(e).</u></p> <ul style="list-style-type: none"> <li>• , the permittee shall implement the approved Adaptive Management Plan including initiating of any construction to upgrade the permittee's wastewater treatment system to meet interim limits.</li> </ul>	
<p><b>Achieve Compliance:</b> If the approved facility plan concluded upgrading of the permittee's wastewater treatment system is necessary to meet final WQBELs, the permittee shall achieve compliance with final WQBELs.</p>	<p><b>7/1/2019</b></p>